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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,002	08/27/2003	Jae-Hwan Kim	678-1006 (P10433)	5919
28249	7590	.06/17/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/649,002	<b>Applicant(s)</b> KIM, JAE-HWAN	
	<b>Examiner</b> Dai A Phuong	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/12/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 11-15 are objected to because in claim 11, line 7, and claim 12, lines 2, "plain" should be --plane--.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III et al. (U.S. 5,724,492).

Regarding claim 1, Matthews, III et al. disclose a device for organizing a menu in a mobile communication terminal (fig. 10, col. 1, lines 61-65 and col. 17, lines 45-55), comprising: a control unit (col. 20, lines 37-48) for dynamically generating (col. 18, lines 45-56) and deleting (col. 6, lines 59-67) a plurality of menu planes 1005 according to a user's setting (fig. 10, col. 17, lines 45-62), each plane including at least one menu item (col. 17, line 63 to col. 18, line 9); a control unit for enabling multi-dimensional navigation between the generated menu planes (col. 20, lines 37-48); and a display unit 155 for receiving the menu planes from the control unit and displaying the received menu planes under control of the control unit (col. 20, lines 37-48).

Regarding claim 2, Matthews, III et al. disclose all the limitation in claim 1. Further, Matthews, III et al. disclose the device wherein a user can add at least one menu item (col. 6, lines 59-67. Please see fig 10, the front panel of the three-dimensional menu includes edit and delete functions)

Regarding claim 3, Matthews, III et al. disclose all the limitation in claim 1. Further, Matthews, III et al. disclose the device wherein a user can delete said at least one menu item (col. 6, lines 59-67. Please see fig 10, the front panel of the three-dimensional menu includes edit and delete functions).

Regarding claim 4, Matthews, III et al. disclose all the limitation in claim 1. Further, Matthews, III et al. disclose the device wherein if the number of menu items on one of the plurality of menu planes exceeds a maximum allowable number of menu items, the control unit generates a new menu plane (col. 18, lines 6-8)

4. Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiyama et al. (Pub. No: 2002/0111139).

Regarding claim 11, Nishiyama et al. disclose a method for organizing a menu in a mobile communication terminal, comprising: when a menu is registered by a user, generating a first menu plane 1201 including at least one menu registration slot 1202 associated with the registered menu (member registration) (fig. 12, [0067]); and registering the menu (member registration) to a menu registration slot 1202 of the generated menu plain 1201 (fig. 12, [0067]).

Regarding claim 12, Nishiyama et al. disclose all the limitation in claim 11. Further, Nishiyama et al. disclose the method further comprising the step of generating a second menu plain 1202 including at least one menu registration slot (registration screen of 1202) when a menu is additionally registered by the user (fig. 12, [0067]).

Regarding claim 15, Nishiyama et al. disclose all the limitation in claim 11. Further, Nishiyama et al. disclose the method wherein the menu selection cursor positioned in said at

least one user menu registration slot connected to a registered menu in the plurality of menu planes can move to another menu plane of the plurality of menu planes by selecting a key once (fig. 12, [0067]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama et al. (Pub. No: 2002/0111139) in view of Matthews, III et al. (U.S. 5,724,492).

Regarding claim 14, Nishiyama et al. disclose all the limitation in claim 12. But, Nishiyama et al. do not disclose the method further comprising: displaying a moving three-dimensional image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane.

In the same endeavor, Matthews, III et al. disclose the method further comprising: displaying a moving three-dimensional image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane (col. 17, lines 45-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile communication terminal of Nishiyama et al. by specifically including displaying a moving three-dimensional image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane, as taught by Matthews, III et al., the motivation being in order to conserve display space and provides contextual clues by providing a three-dimensional menu object.

#### **Reasons for Allowance**

7. The following is an examiner's statement of reasons for allowance:

Claims 5-10 and 13 are objected

Claims 7-10 are objected as dependent on claim 5.

Regarding claim 5

Claim 5 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the device wherein when a user registers a menu, the control unit generates a plurality of menu planes including at least one user menu registration slot connected to the registered menu, and, **if a menu selection cursor moves from at least one user menu registration slot in a first menu plane of the plurality of menu exit planes so as to the first menu plane, the control**

**unit moves the menu selection cursor to a second menu plane of the plurality of menu planes.**

Regarding claim 6

Claim 6 is objected to as being dependent upon a rejected base claim 4, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the device wherein when there is an empty menu registration slot in the new menu plane, **the control unit enables the empty menu item slot to inherit a menu item of a menu registration slot in a previous menu plane, the menu registration slot of the previous menu plane corresponding to the empty menu item slot, and the control unit enables the display unit to display the inherited menu item on the empty menu item slot.**

Regarding claim 13

Claim 13 is objected to as being dependent upon a rejected base claim 11, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method further comprising the step of: if a menu selection cursor moves from said at least one menu registration slot so as to exit the first menu plane of the plurality of menu planes,

displaying the second menu plane of the plurality of menu planes; and **if there is an empty menu registration slot in the second menu plane, enabling the empty menu item slot to inherit a menu item of a menu registration slot in the first menu plane corresponding to the empty menu item slot, and displaying the inherited menu item on the empty menu slot.**

### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kreitman et al. (U.S. 5303388) display and rotate a three-dimensional icon


Nagahara et al. (U.S. 6184884) displaying a plurality of menu items

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 06-09-2005

  
EDWARD F. URBAN  
PATENT EXAMINER  
TECHNOLOGY CENTER 2600